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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

F.A.O. No. 1186 of 2007 (O&M)
Date of Decision : March 19, 2007

Punjab State Electricity Board

... Appellant

Versus

Satpal .. Respondent.

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri Amit Mehta, Advocate,
for the appellant-Board.

PRITAM PAL , J.

This appeal, under section 30 of the Workmen's Compensation Act, 1923 (for short, "the Act") filed by Punjab State Electricity Board, is directed against orders dated 25.8.2006 and 29.12.2006 passed by learned Commissioner under the Act, whereby, a total compensation of Rs. 33,205/- along with interest at the rate of 6% and penalty, as detailed in the impugned order, has been awarded to the workman, who was 22 years of age and had sustained 30% disability during the course of his employment with the appellant.

The only point of argument, raised by learned counsel for the appellant is that here in the instant case, the claim of the respondent-

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workman was hopelessly time barred, but the learned Commissioner has still granted compensation to the respondent-workman, which is against the law.

In fact, the learned Commissioner, while condoning the long delay, occurred in this case, has observed in the impugned order dated 25.8.2006, as under :-

> "..... The Law of Limitation is highlighted in this case to defeat the claim of applicant and to establish the non-maintainability of the claim of the applicant. To make it clear it is cited here that the limitation does not strictly apply to the proceedings under the Workmen's Compensation Act.
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> **Slamat V/s Agent, East India Railway,** A.I.R. 1938 Calcutta 348.
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> Application for compensation filed after 10 years of accidents : - Workmen continuing in work and same wages – Contention of workmen that assurance of payment of compensation was given employer but no payment made held. It is sufficient cause for condonation of delay.
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> **Executive Engineer Balasora Electrical Division V/s Commissioner for Workmen Compensation 1992 ACJ 633 at page 636 Orissa.**

In the instant case, the applicant have averred that he was not aware of the law of Compensation and the notice was given to the respondent as soon as it was practicable the employment was admitted by the respondent the employment injury is not rebutted by sufficient evidence hence the delay in filing the

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claim is condoned, in the interest of justice and public interest.

It is again held in :

Mangal Chand V/s Forest Department (1985) 1 LLJ 369 and also in **Trustee Bombay Port V/s Premier Auto-Mobiles AIR 1974 SC 923**.

The public bodies should resist the temptation to make technical pleas or defeats honest claims by legally permissible but marginally unjust contentions including narrow limitation, apply with greater force in the case of compensation claim under the `Act'. The State and its limit should try to avoid an order defending claim on technical plea of delay or limitation avoiding an order on merit. The tribunal and quasi judicial Authorities must bear in mind that refusal to condone delay may result in injustice by a meritorious case being thrown out without trial. In the instant case, there is no presumption that the delay is occasioned deliberately on account of culpable negligence or that there was want of Bona fide."

At this place, it is pertinent to mention that during the course of arguments, learned counsel for the appellant-Board, himself stated that during the time of occurrence of accident of the workman, the terrorism was at its peak in the State of Punjab and he (respondent-workman) had in fact, fled away from the State of Punjab. It is a matter of common knowledge that in this part of the country, where the respondent was employed as a workman with the appellant-Board, many of the labourers/workmen, employed in the Corporations and Boards, as in the instant case, were either murdered or injured in the terrorist-activities to terrorise the migrants. This factum, all the more, makes the case for condonation of delay justified.

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Thus, taking an over-all view of the facts and circumstances and the factum that this legislation, under the Act, is meant for the welfare of the workman, no interference is called for in any of the findings arrived at by the learned Commissioner. Moreover, the first appeal, under the Act, can be entertained only when some substantial question of law is shown to have arisen, which is lacking in the instant appeal.

Hence, this appeal is dismissed *in limine.*

[PRITAM PAL]
JUDGE

March 19, 2007.
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